THIS OPINION WAS NOT WRITTEN FOR PUBLICATION AND IS NOT BINDING PRECEDENT OF THE BOARD

Filed by: Trial Section Merits Panel

Box Interference

Washington, D.C. 20231

Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

CHARLES F. PYNE,

Junior Party, (U. S. Serial No. 09/512,967, Patent Nos. 5,721,907and 5,446,888)¹,

v.

JIM HARLAN and HENRY E. THOMAS, Jr.

FAXED

Senior Party, (U. S. Serial No. 08/593,477)² NOV 22 2002

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,024

Before SCHAFER, LEE, and TORCZON, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

^{09/512,967,} filed February 24, 2000. Patent No. 5,721,907, based on application 08/445,781, filed May 22, 1995. Patent No. 5,446,888, based on application 08/182,969, filed January 14, 1994. Accorded the benefit of the filing date of Patent No. 5,721,907, filed May 22, 1995, for Count 1. Accorded the benefit of the filing date of Patent No. 5,446,888, filed January 14, 1994, for Count 2. The real party in interest is LapLink, Inc.

Filed January 29, 1996. Accorded the benefit of Application 08/176,955, filed January 3, 1994, for both Counts 1 and 2. The real party in interest is Norton Lambert Corporation.

Interference No. 105,024 Pyne v. Harlan

The extended due date for senior party Harlan to respond to a show cause order against the senior party, issued on November 5, 2002 (Paper No. 14), has passed without the filing of any proper response from the senior party which places the senior party in compliance with all outstanding requirements in this interference. In a telephone conference call with the administrative patent judge on November 21, 2002, Mr. Edward J. Keeling of the law firm of Townsend and Townsend and Crew LLP confirmed that the senior party has not filed a response subsequent to the Administrative Patent Judge's communication dated November 13, 2002, which extended the due date for a response to the show cause order to November 19, 2002.

Accordingly, it is now appropriate to enter judgment under 37 CFR § 1.662(a) against the senior party for failure to prosecute the interference.

- It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against senior party JIM HARLAN and HENRY E. THOMAS, Jr.;

FURTHER ORDERED that judgment as to the subject matter of Count 2 is hereby entered against senior party JIM HARLAN and HENRY E. THOMAS, Jr.;

FURTHER ORDERED that senior party JIM HARLAN and HENRY E. THOMAS, Jr. is not entitled to its application claim 15 which corresponds to Count 1;

FURTHER ORDERED that senior party JIM HARLAN and HENRY E. THOMAS, Jr. is not entitled to its application claims 16-20 which correspond to Count 2;

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FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

Richard E. Schafer

Administrative Patent Judge

ameson Lee

Administrative Patent Judge

BOARD OF PATENT

APPEALS

AND

INTERFERENCES

Richard Torczon

Administrative Patent Judge

Interference No. 105,024 Pyne v. Harlan

By Facsimile

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INTERFERENCE DIGEST

Interference No. 105,024		Paper No. 18
Name: Charles F. Pyne		
Serial No.: 09/512,967	Patent No.	
Title: Remote File Transfer Method ar	nd Apparatus	9
Filed: 02/24/00		
Interference with HARLAN et al		
DEC	CISION ON MOTIONS	
Administrative Patent Judge,	Dated,	
Board of Patent Appeals and Interferen	FINAL DECISION nces, formalle Dated, //-	22-02
Court,	Dated,	
	REMARKS	
This should be placed in each application or	natent involved in interference in addition to	the interference letters